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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,250	02/05/2001	Benjamin E. Felts III	01CON202P	2356
25700	7590	03/10/2004		
FARJAMI & FARJAMI LLP 16148 SAND CANYON IRVINE, CA 92618			EXAMINER KOSTAK, VICTOR R	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 03/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,250

Applicant(s)

FELTS, BENJAMIN E.

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39, as amended, are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley, explained as follows.

The gist of applicant's argument is that Oakley does not apply horizontal scaling to his video signal (but instead incorporates vertical scaling only).

However, Oakley explicitly discusses applying horizontal scaling, stating that such is conventional (vertical scaling being more complex: col. 3 lines 11 and lines 16-18). He discloses the horizontal scaling involving altering the sampling clock frequency, wherein readout from memory results in horizontal compression (lines 11-16 in col. 3). He does not specify at what stage the horizontal scaling is carried out.

In view of this explicit teaching of first incorporating horizontal scaling as conventional, and second applying a specific method therefor, and in view of the fact that scaling an image in one dimension results in a disproportional image, it would have been obvious to likewise scale the image in the other dimension in order to generate an accurately proportioned image. Therefore, it would have been obvious to apply scaling involving the altered memory readout to the FIFO of Oakley, as is suggested therein, and thereby meeting claims 1, 11, 20 and 30.

The remaining dependent claims are not amended and therefore accordingly remain rejected for the reasons explained in the last Office action, listed as follows.

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Regarding claims 2, 21 and 31, the second plurality of lines (input to the FIFO) is in a first (scaled) format.

As for claims 3, 12, 22 and 32, the output of FIOF 50 is passed to a modulator (i.e. an NTSC or PAL encoder, not shown: col. 5 lines 10-15) which inherently includes plural system components including timing, (and in the specific text of Oakley, flicker reduction), and which converts the video data from the first format into the second (i.e. television).

As for claims 4, 13, 23 and 33, the input format can be VGA or SVGA (col. 1 line 11; col. 3 lines 27-28).

Considering claims 5, 14, 24 and 34, the input format can be SVGA as mentioned previously, and the output format can be NTSC, also mentioned above.

Regarding claims 7, 16, 26 and 36, it would have been obvious to one of ordinary skill in the art to have the timing conditions of the first and second frequencies result in being related by an integer since Oakley allows for multiple input and output formats (and therefore multiple parameters) to be applied, moreover in view of the fact that some of the parameters of computer formats and television formats are integrally related (e.g. 60 Hz frame rate, high definition TV having computer-related line counts, etc).

As for claims 8, 17, 27 and 37, the output first frequency is a non-integer ratio of the second frequency (noting Table 2 and the input/output SCK ratio of 8/9 as shown in Fig. 5).

As for claims 9, 18, 28 and 38, the system is synchronous since the clocks are derived from the same system clock and related by a specific system-derived ratio.

As for claims 10, 19, 29 and 39, it would also have been obvious to have the first and second clocks asynchronous, which would thereby accommodate frequencies that are not

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fractionally related, and which would also enable conversion to be done in a less rigid manner and at a rate not directly related to the input rate.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK